112TH CONGRESS 1ST SESSION

S. 1023

To authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 18, 2011

Mr. Durbin (for himself, Ms. Collins, and Mr. Kerry) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Haiti Reforestation
- 5 Act of 2011".
- 6 SEC. 2. FINDINGS; PURPOSE.
- 7 (a) FINDINGS.—Congress finds that—

1	(1) the established policy of the Federal Gov
2	ernment is to support and seek protection of tropica
3	forests around the world;
4	(2) tropical forests provide a wide range of ben-
5	efits by—
6	(A) harboring a major portion of the bio-
7	logical and terrestrial resources of Earth and
8	providing habitats for an estimated 10,000,000
9	to 30,000,000 plant and animal species, includ-
10	ing species essential to medical research and
11	agricultural productivity;
12	(B) playing a critical role as carbon sinks
13	that reduce greenhouse gases in the atmos
14	phere, as 1 hectare of tropical forest can absorb
15	up to approximately 3 tons of carbon dioxide
16	per year, thus moderating potential global cli-
17	mate change; and
18	(C) regulating hydrological cycles upor
19	which agricultural and coastal resources de-
20	pend;
21	(3) tropical forests are also a key factor in re-
22	ducing rates of soil loss, particularly on hilly terrain
23	(4) while international efforts to stem the tide

of tropical deforestation have accelerated during the

1	past 2 decades, the rapid rate of tropical deforest-
2	ation continues unabated;
3	(5) in 1923, over 60 percent of the land of
4	Haiti was forested but, by 2006, that percentage
5	had decreased to less than 2 percent;
6	(6) during the period beginning in 2000 and
7	ending in 2005, the deforestation rate in Haiti accel-
8	erated by more than 20 percent over the deforest-
9	ation rate in Haiti during the period beginning in
10	1990 and ending in 1999;
11	(7) as a result, during the period described in
12	paragraph (6), Haiti lost—
13	(A) nearly 10 percent (approximately
14	11,000 hectares) of the forest cover of Haiti;
15	and
16	(B) approximately 22 percent of the total
17	forest and woodland habitat of Haiti;
18	(8) poverty and economic pressures are—
19	(A) two factors that underlie the tropical
20	deforestation of Haiti; and
21	(B) manifested particularly through the
22	clearing of vast areas of forest for conversion to
23	agricultural uses;
24	(9) 80 percent of the population of Haiti lives
25	below the poverty line;

1	(10) two-thirds of the population of Haiti de-
2	pend on the agricultural sector, which consists main-
3	ly of small-scale subsistence farming;
4	(11) 60 percent of the population of Haiti relies
5	on charcoal produced from cutting down trees for
6	cooking fuel;
7	(12) soil erosion represents the most direct ef-
8	fect of the deforestation of Haiti, as the erosion
9	has—
10	(A) lowered the productivity of the land
11	due to the poor soils underlying the tropical for-
12	ests;
13	(B) worsened the severity of droughts and
14	flooding events;
15	(C) led to further deforestation;
16	(D) significantly decreased the quality and,
17	as a result, quantity of freshwater and clean
18	drinking water available to the population of
19	Haiti; and
20	(E) increased the pressure on the remain-
21	ing land and trees in Haiti;
22	(13) tropical forests provide forest cover to soft-
23	en the effect of heavy rains and reduce erosion by
24	anchoring the soil with their roots;

- 1 (14) when trees are cleared, rainfall runs off 2 the soil more quickly and contributes to floods and 3 further erosion;
 - (15) in 2004, Hurricane Jeanne struck Haiti, killing approximately 3,000, and affecting over 200,000, people, partly because deforestation had resulted in the clearing of large hillsides, which enabled rainwater to run off directly to settlements located at the bottom of the slopes;
 - (16) research conducted by the United Nations Environmental Programme has revealed a direct (89 percent) correlation between the extent of the deforestation of a country and the incidence of victims per weather event in the country;
 - (17) the consequences of the January 2010 earthquake in Haiti, which destroyed much of the infrastructure of Port au Prince, were greater because of deforestation which reduced hillside stability and increased the likelihood of mudslides, soil erosion, and flooding—factors that also negatively impacted the water supply and heightened concerns for the spread of waterborne diseases;
 - (18) finding economic benefits for local communities from sustainable uses of tropical forests is

- 1 critical for the long-term protection of the tropical 2 forests in Haiti; (19) on July 29, 2010, the Supplemental Ap-3 4 propriations Act of 2010 (Public Law 111–212) was 5 enacted into law, which included \$25,000,000 for 6 "the reforestation and other restoration of Haiti's 7 key watersheds"; and 8 (20) tropical reforestation efforts would provide 9 new sources of jobs, income, and investments in 10 Haiti by— 11 (A) providing employment opportunities in 12 tree seedling programs, contract tree planting 13 and management, sustainable agricultural ini-14 tiatives, sustainable and managed timber har-15 vesting, and wood products milling and fin-
 - (B) enhancing community enterprises that generate income through the trading of sustainable forest resources, many of which exist on small scales in Haiti and in the rest of the region.
- 22 (b) Purpose.—The purpose of this Act is to provide 23 assistance to the Government of Haiti to develop and im-24 plement, or improve, nationally appropriate policies and 25 actions—

ishing services; and

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1	(1) to reduce deforestation and forest degrada-
2	tion in Haiti;
3	(2) to increase annual rates of afforestation and
4	reforestation in a measurable, reportable, and
5	verifiable manner—
6	(A) to restore social and economic condi-
7	tions for environmental recovery of 35 percent
8	of Haiti's land surface area within 5 years after
9	the date of enactment of this Act;
10	(B) to restore within 30 years after the
11	date of enactment of this Act the forest cover
12	of Haiti to at least 10 percent of the land in
13	Haiti; and
14	(C) to establish within 10 years after the
15	date of enactment of this Act agroforestry cover
16	of land in Haiti to more than 25 percent; and
17	(3) to improve sustainable resource manage-
18	ment at the watershed scale.
19	SEC. 3. DEFINITIONS.
20	In this Act:
21	(1) Afforestation.—
22	(A) IN GENERAL.—The term "afforesta-
23	tion" means the establishment of a new forest
24	through the seeding of, or planting of trees on,
25	a parcel of nonforested land.

1	(B) Inclusion.—The term "afforestation"
2	includes—
3	(i) the introduction of a tree species
4	to a parcel of nonforested land of which
5	the species is not a native species; and
6	(ii) the increase of tree cover through
7	plantations.
8	(2) Agroforestry.—
9	(A) IN GENERAL.—The term "agro-
10	forestry" refers to systems in which perennial
11	trees or shrubs are integrated with crops or
12	livestock, and where perennials constitute a
13	minimum 10 percent of ground cover.
14	(B) Inclusion.—Actual forest cover re-
15	sulting from agroforestry programs can be
16	counted toward the total forest cover goal set
17	forth in section (2)(b).
18	(3) Appropriate committees of con-
19	GRESS.—The term "appropriate committees of Con-
20	gress'' means—
21	(A) the Committee on Foreign Relations
22	and the Committee on Appropriations of the
23	Senate: and

1	(B) the Committee on Foreign Affairs and
2	the Committee on Appropriations of the House
3	of Representatives.
4	(4) Deforestation.—The term "deforest-
5	ation" refers to the conversion of forest to another
6	land use or the long term reduction of the tree can-
7	opy.
8	(5) Forest.—
9	(A) IN GENERAL.—The term "forest"
10	means a terrestrial ecosystem containing native
11	tree species generated and maintained primarily
12	through natural ecological and evolutionary
13	processes.
14	(B) Exclusion.—The term "forest" does
15	not include plantations, such as crops of trees
16	planted primarily by humans for the purposes
17	of harvesting.
18	(6) Reforestation.—
19	(A) IN GENERAL.—The term "reforest-
20	ation" refers to the establishment of forest or
21	lands that were previously considered as forest
22	but which have been deforested.
23	(B) Inclusion.—The term "reforestation"
24	includes the increase of tree cover through plan-
25	tations.

1	TITLE I—FORESTATION AND WA-
2	TERSHED MANAGEMENT AS-
3	SISTANCE TO GOVERNMENT
4	OF HAITI
5	SEC. 101. FORESTATION ASSISTANCE.
6	(a) Authority.—
7	(1) IN GENERAL.—In accordance with section
8	117 of the Foreign Assistance Act of 1961 (22
9	U.S.C. 2151p) and consistent with the provisions of
10	paragraph (2), the President is authorized to provide
11	assistance to the Government of Haiti in the form
12	of financial assistance, technology transfers, or ca-
13	pacity building assistance for the conduct of activi-
14	ties to develop and implement 1 or more forestation
15	proposals under paragraph (2)—
16	(A) to reduce the deforestation of Haiti;
17	and
18	(B) to increase the rates of afforestation
19	and reforestation in Haiti.
20	(2) Proposals.—
21	(A) IN GENERAL.—Assistance under this
22	title may be provided to the Government of
23	Haiti to implement one or more proposals that
24	contain—

1	(i) a description of each policy and
2	initiative to be carried out using the assist-
3	ance;
4	(ii) adequate documentation to ensure,
5	as determined by the President, that—
6	(I) each policy and initiative will
7	be—
8	(aa) carried out and man-
9	aged in accordance with widely
10	accepted environmentally sustain-
11	able forestry and agricultural
12	practices; and
13	(bb) designed and imple-
14	mented in a manner by which to
15	improve the governance of forests
16	by building governmental capac-
17	ity to be more transparent, inclu-
18	sive, accountable, and coordi-
19	nated in decisionmaking proc-
20	esses and the implementation of
21	the policy or initiative; and
22	(II) the proposals will further es-
23	tablish and enforce legal regimes,
24	standards, and safeguards designed to
25	ensure that members of local commu-

1	nities in affected areas, as partners
2	and primary stakeholders, will be en-
3	gaged in the design, planning, imple-
4	mentation, monitoring, and evaluation
5	of the policies and initiatives; and
6	(iii) a description of how the proposal
7	or proposals support and aid forest res-
8	toration efforts consistent with the purpose
9	set forth in section 2(b).
10	(B) DETERMINATION OF COMPATIBILITY
11	WITH CERTAIN PROGRAMS.—In evaluating each
12	proposal under subparagraph (A), the President
13	shall ensure that each policy and initiative de-
14	scribed in the proposal submitted by the Gov-
15	ernment of Haiti under that subparagraph is
16	compatible with—
17	(i) broader development, poverty alle-
18	viation, sustainable energy usage, and nat-
19	ural resource conservation objectives and
20	initiatives in Haiti;
21	(ii) the development, poverty allevi-
22	ation, disaster risk management, and cli-
23	mate resilience programs of the United
24	States Agency for International Develop-
25	ment, including those involving technical

1	support from the United States Forest
2	Service; and
3	(iii) activities of international organi-
4	zations and multilateral development
5	banks.
6	(b) Eligible Activities.—Any assistance received
7	by the Government of Haiti under subsection (a)(1) shall
8	be conditional upon development and implementation of
9	a proposal under subsection (a)(2), which may include—
10	(1) the provision of technologies and associated
11	support for activities to reduce deforestation or in-
12	crease afforestation and reforestation rates, includ-
13	ing—
14	(A) fire reduction initiatives;
15	(B) forest law enforcement initiatives;
16	(C) the development of timber tracking
17	systems;
18	(D) the development of cooking fuel sub-
19	stitutes;
20	(E) initiatives to increase agricultural pro-
21	ductivity;
22	(F) tree-planting initiatives; and
23	(G) programs that are designed to focus on
24	market-based solutions including programs

1	that leverage the international carbon-offset
2	market;
3	(2) the enhancement and expansion of govern-
4	mental and nongovernmental institutional capacity
5	to effectively design and implement a proposal devel-
6	oped under subsection (a)(2) through initiatives, in-
7	cluding—
8	(A) the establishment of transparent, ac-
9	countable, and inclusive decisionmaking proc-
10	esses relating to all stakeholders (including af-
11	fected local communities);
12	(B) the promotion of enhanced coordina-
13	tion among ministries and agencies responsible
14	for agroecological zoning, mapping, land plan-
15	ning and permitting, sustainable agriculture
16	forestry, and law enforcement; and
17	(C) the clarification of land tenure and re-
18	source rights of affected communities, including
19	local communities;
20	(3) the development and support of institutional
21	capacity to measure, verify, and report the activities
22	carried out by the Government of Haiti to reduce de-
23	forestation and increase afforestation and reforest-
24	ation rates through the use of appropriate methods
25	including—

1	(A) the use of best practices and tech-
2	nologies to monitor land use change in Haiti,
3	including changes in the extent of natural forest
4	cover, protected areas, mangroves, agroforestry,
5	and agriculture;
6	(B) the monitoring of the impacts of poli-
7	cies and initiatives on—
8	(i) affected communities;
9	(ii) the biodiversity of the environment
10	of Haiti; and
11	(iii) the health of the tropical forests
12	of Haiti; and
13	(C) independent and participatory forest
14	monitoring; and
15	(4) the development of and coordination with
16	watershed restoration programs in Haiti, includ-
17	ing—
18	(A) agreements with the Government of
19	Haiti, nongovernmental organizations, or pri-
20	vate sector partners to provide technical assist-
21	ance, capacity building, or technology transfers
22	which support the environmental recovery of
23	Haiti's watersheds through forest restoration
24	activities, provided that the assistance will help
25	strengthen economic drivers of sustainable re-

1	source management, reduce environmental vul
2	nerability, and improve governance, planning
3	and community action of watersheds in Haiti;
4	(B) actions to support economic incentives
5	for sustainable resource management, including
6	enhanced incentives for the replacement of an
7	nual hillside cropping with perennial and non
8	erosive production systems;
9	(C) enhanced extension services supporting
10	the sustainable intensification of agriculture to
11	increase farmer incomes and reduce pressure or
12	degraded land; and
13	(D) investments in watershed infrastruc
14	ture to reduce environmental vulnerability, in
15	cluding the establishment of appropriate erosion
16	control measures through reforestation activi
17	ties in targeted watersheds or sub-watersheds.
18	(c) Development of Performance Metrics.—
19	(1) In general.—If the President provides as
20	sistance under subsection (a)(1), the President, in
21	cooperation with the Government of Haiti, shall de
22	velop appropriate performance metrics to measure

verify, and report—

1	(A) the conduct of each policy and initia-
2	tive to be carried out by the Government of
3	Haiti;
4	(B) the results of each policy and initiative
5	with respect to the tropical forests of Haiti; and
6	(C) each impact of each policy and initia-
7	tive on the local communities of Haiti.
8	(2) Requirements.—Performance metrics de-
9	veloped under paragraph (1) shall, to the maximum
10	extent practicable, include short-term and long-term
11	metrics to evaluate the implementation of each pol-
12	icy and initiative contained in each proposal devel-
13	oped under subsection (a)(2).
14	(d) Reports.—
15	(1) Initial report.—Not later than 18
16	months after the date of enactment of this Act, the
17	President shall submit to the appropriate commit-
18	tees of Congress a report that describes the actions
19	that the President has taken, and plans to take—
20	(A) to engage with the Government of
21	Haiti, nongovernmental stakeholders, and pub-
22	lic and private nonprofit organizations to imple-
23	ment this section; and
24	(B) to enter into agreements with the Gov-
25	ernment of Haiti under subsection (a)(1).

- (2) BIENNIAL REPORTS.—Not later than 2 vears after the date on which the President first provides assistance to the Government of Haiti under subsection (a)(1) and biennially thereafter, the President shall submit to Congress a report that describes the progress of the Government of Haiti in implementing each policy and initiative contained in the proposal submitted under subsection (a)(2).
- 9 (e) Additional Assistance.—The President is au10 thorized to provide financial and other assistance to the
 11 Government of Haiti, local government bodies, or non12 governmental organizations for the purpose of—
 - (1) providing local communities information relating to each policy and initiative to be carried out by the Government of Haiti through funds made available under subsection (a)(1);
 - (2) promoting effective participation by local communities in the design, implementation, and independent monitoring of each policy and initiative; and
 - (3) promoting, consistent with supporting the sustainability of forestation activities, enhanced watershed governance, national planning, and community action programs that lead to increased—

1	(A) development of a national watershed
2	management policy for Haiti with the Inter-
3	Ministerial Committee for Land Management,
4	the Ministry of Environment, Ministry of Agri-
5	culture, and the Ministry of Planning and Ex-
6	ternal Cooperation;
7	(B) establishment of an effective forum for
8	donor coordination related to management and
9	reforestation in Haiti;
10	(C) support for the National Center for
11	Geospatial Information (CNIGS) to provide
12	technology, data, and monitoring support for
13	improved watershed and forest resource man-
14	agement at a national scale in Haiti; and
15	(D) development of effective governance
16	structures in Haiti for stakeholder engagement,
17	coordination of approaches, and land use plan-
18	ning and disaster mitigation at the watershed
19	scale.
20	TITLE II—GRANTS FOR
21	REFORESTATION
22	SEC. 201. REFORESTATION GRANT PROGRAM.
23	(a) Establishment.—The President is authorized
24	to establish a grant program to carry out the purposes

of this Act, including reversing deforestation and improving reforestation and afforestation in Haiti. 3 (b) Grants Authorized.— 4 (1) In General.—The President is authorized 5 to award grants and contracts to carry out projects 6 that, in the aggregate, reverse deforestation and im-7 prove reforestation and afforestation. 8 (2) Maximum amount.— 9 (A) IN GENERAL.—Except as provided in 10 subparagraph (B), the President may not 11 award a grant under this section in an amount 12 greater than \$500,000 per year. 13 EXCEPTION.—The President (B) 14 award a grant under this section in an amount 15 greater than \$500,000 per year if the President 16 determines that the recipient of the grant has 17 demonstrated success with respect to a project 18 that was the subject of a grant under this sec-19 tion. 20 (3) Duration.—The President shall award 21 grants under this section for a period not to exceed 22 3 years. 23 (c) Use of Funds.— 24 (1) IN GENERAL.—Grants awarded pursuant to 25 subsection (b) may be used for activities such as—

1	(A) providing a financial incentive to pro-
2	tect trees;
3	(B) providing hands-on management and
4	oversight of replanting efforts;
5	(C) focusing on sustainable income-gener-
6	ating growth;
7	(D) providing seed money to start coopera-
8	tive reforestation and afforestation efforts and
9	providing subsequent conditional funding for
10	such efforts contingent upon required tree care
11	and maintenance activities;
12	(E) promoting widespread use of improved
13	cooking stove technologies, to the extent that
14	this does not result in the harvesting of tropical
15	forest growth and other renewable fuel tech-
16	nologies that reduce deforestation and improve
17	human health; and
18	(F) securing the involvement and commit-
19	ment of local communities—
20	(i) to protect tropical forests in exist-
21	ence as of the date of enactment of this
22	Act; and
23	(ii) to carry out afforestation and re-
24	forestation activities.

1 (2) Consistency with proposals.—To the 2 maximum extent practicable, a project carried out 3 using grant funds shall support and be consistent 4 with the proposal developed under section 101(a)(2) 5 that is the subject of the project. 6 (d) Application.— 7 (1) In General.—To be eligible for a grant 8 under this section, an entity shall prepare and sub-9 mit an application at such time, in such manner, 10 and containing such information as the President 11 may reasonably require. 12 Content.—Each application submitted 13 under paragraph (1) should be consistent with the 14 findings of the 2007 United States Agency for Inter-15 national Development report entitled, "Environ-16 mental Vulnerability in Haiti: Findings and Rec-17 ommendations", and shall include— 18 (A) a description of the objectives to be at-19 tained; 20 (B) a description of the manner in which 21 the grant funds will be used; 22 (C) a plan for evaluating the success of the 23 project based on verifiable evidence; and 24 (D) to the extent that the applicant in-

tends to use nonnative species in afforestation

- efforts, an explanation of the benefit of the use 1 2 of nonnative species over native species and 3 verification that the species to be used are not invasive. (3) Preference for certain projects.—In 6 awarding grants under this section, preference shall 7 be given to applicants that propose— 8 (A) to develop market-based solutions to 9 the difficulty of reforestation in Haiti, including the use of conditional cash transfers and similar 10 11 financial incentives to protect reforestation ef-12 forts: 13 (B) to partner with local communities and 14 cooperatives; and 15 (C) to focus on efforts that build local ca-16 pacity to sustain growth after the completion of 17 the underlying grant project. 18 (e) Dissemination of Information.—The Presi-19 dent shall collect and widely disseminate information 20 about the effectiveness of the demonstration projects as-21 sisted under this section.
- 22 SEC. 202. FOREST PROTECTION GRANTS.
- Chapter 7 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2281 et seq.) is amended by inserting after section 466 the following new section:

1 "SEC. 467. PILOT PROGRAM FOR HAITI.

- 2 "(a) Submission of List of Areas of Severely
- 3 Degraded Natural Resources.—The President, in co-
- 4 operation with nongovernmental conservation organiza-
- 5 tions, shall invite the Government of Haiti to submit a
- 6 list of areas within the territory of Haiti in which tropical
- 7 forests are seriously degraded or threatened.
- 8 "(b) Review of List.—The President shall assess
- 9 the list submitted by the Government of Haiti under sub-
- 10 section (a) and shall seek to reach agreement with the
- 11 Government of Haiti for the restoration and future sus-
- 12 tainable use of those areas.
- 13 "(c) Grant Program.—
- 14 "(1) Grants authorized.—The President is
- authorized to make grants on such terms and condi-
- tions as may be necessary to nongovernmental orga-
- 17 nizations for the purchase on the open market of
- discounted debt of the Government of Haiti, if a
- market is determined to be viable, in exchange for
- commitments by the Government of Haiti to restore
- 21 tropical forests identified by the Government under
- subsection (a) or for commitments to develop plans
- for sustainable use of such tropical forests.
- 24 "(2) Management of protected areas.—
- Each recipient of a grant under this subsection shall

participate in the ongoing management of the area or areas protected pursuant to such grant.

"(3) RETENTION OF PROCEEDS.—Notwithstanding any other provision of law, a grantee (or
any subgrantee) of the grants referred to in section
(a) may retain, without deposit in the Treasury of
the United States and without further appropriation
by Congress, interest earned on the proceeds of any
resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which
is used for such purposes.

"(4) TERMINATION OF PROGRAM.—The authority to make grants under the pilot program shall terminate five years after the date of the enactment of this Act. The authority may be renewed for one additional five-year period during the 30-year reforestation period targeted by this Act if the President determines and certifies to Congress that the pilot program is effective in meeting the goals of the Act and the commitment of the Government of Haiti to returning land in Haiti to long-term sustainable forests. The cumulative duration of the pilot program may not exceed ten total years."

1 TITLE III—ADMINISTRATIVE 2 PROVISION

- 3 SEC. 301. DELEGATION.
- 4 The President (or the Administrator of the United
- 5 States Agency for International Development or the Sec-
- 6 retary of State as the President's delegee) may draw, as
- 7 appropriate, on the expertise of the United States Forest
- 8 Service in designing and implementing programs pursuant
- 9 to this Act relating to reforestation, watershed restoration,
- 10 and monitoring of land use change.

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